

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Crl.MC.No. 2131 of 2007()

MC.86/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

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PETITIONER: RESPONDENT

DEEPA VIJAYAKUMAR, W/O.VIJAYAKUMAR,
AGED 34 YEARS, RESIDING AT PANIKKASSERIL HOUSE,
THALIKULAM P.O., THALIKULAM VILLAGE, CHAVAKKAD
TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS: COMPLAINANT

1. DEVAKI, W/O.KARUPPAN, PANIKKASSERI
HOUSE, THALIKKULAM P.O., THALIKKULAM VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT.
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.P.N.SUKUMARAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
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Crl.M.C. No.2131 Of 2007
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Dated this the 3rd day of July, 2007
ORDER

The short contention of the petitioner, a woman is that proceedings under the Protection of Women from Domestic Violence Act, 2005 is not applicable to her and in these circumstances, Crl.M.C.No.86/2007 pending before the Judicial First Class Magistrate Court, Chavakkad may be quashed.

2. Learned counsel for the petitioner submits that the contention has been raised before the learned Judicial First Class Magistrate but that contention has not been considered. To facilitate the consideration of that contention, I am not satisfied that, it is necessary to compel the petitioner to come all the way to Ernakulam. It is for the petitioner to raise that contention before the learned Magistrate and needless to say, the learned Magistrate must consider that contention and pass appropriate orders.

3. In the result this Crl.M.C is dismissed with a specific direction to the learned Magistrate to consider the contention of the petitioner regarding the maintainability of Crl.M.C.No.86/2007, as expeditiously as possible, after hearing both sides. Till such consideration is made,

and orders passed, personal appearance of the petitioner need not be insisted by the learned Magistrate.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE